UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,238	08/27/2003	Wolfram Schulte	3382-65592	6392

26119 7590 12/05/2008

KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND, OR 97204

EXAMINER	
VU, TUAN A	

ART UNIT	PAPER NUMBER
2193	

MAIL DATE	DELIVERY MODE
12/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/650,238	SCHULTE ET AL.	
	Examiner	Art Unit	
	TUAN A. VU	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 October 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-5 and 7-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-5,7-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the Applicant's response filed 10/03/08.

As indicated in Applicant's response, claims 1, 19, 33 have been amended, and claims 2, 6 canceled. Claims 1, 3-5, 7-33 are pending in the office action.

Claim Objections

2. Claims 1, 19, 33 are objected to because of the following informalities: the phraseology written as 'target efficient testing of the program when executed' (cl. 1, 19, 33) and 'targeting testing' (cl. 1) amounts to idiomatic English constructs that cannot be unduly understood. The disclosure does not provide a single passage explaining what 'targeting testing' actually means, nor does one acknowledge how 'target efficient testing of ... program when executed' is implemented therein in terms of the 'target efficient testing ... when executed' exact syntax. The above obscure syntaxes will be treated as mere code testing a target program. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 3-5, 7-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, the language recited as 'receiving a reflection of the executable … program during a first execution of the program' in conjunction with 'during the second execution of the … program' is not shown to have proper support or clear description in the Specifications. Scanning the term 'reflection', it is observed that 'reflection' is but merely metadata regarding types or data structures used in a program (Specifications: page. 10, and Fig. 5) such that *the program* in that context is not an executable being run (as recited in the claim) in the course of which one first runtime metadata is collected. The framework by which the developer or a domain manager 410 annotates domain data structure cannot be accepted as a runtime of a executable code within which reflection data is dynamically retrieved. The language regarding 'during a first execution of the program' is not deemed a feature the Inventor possesses at the time the Invention was made. This 'first execution' for enabling a concurrent reception of 'reflection' data will not be given any patentable weight; and will be treated as a mere framework runtime where users or manager code operates to collect program-related data types or metadata data structure. The 'testing during the/a second execution' (cl. 1, 19, 33) and 'during a subsequent second execution' (cl. 1) limitations depend upon the 'during a first execution' limitation, hence would also be treated as lacking proper support. That is, the disclosure does not explicitly teach first **and** second execution of (executable) program code, as the first execution dynamically obtains reflection data and as the second subsequently utilizes input values based on said reflection data. The 'during the/a second' qualifier will not be given any patentable weight, accordingly. Claims 1, 19, 33 in light of the above limitations, are rejected for not being properly supported by the Disclosure; and dependent claims 3-5, 7-18, 20-32 are also rejected for the lack of enablement in view of the above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 3-5, 7-33 are rejected under 35 U.S.C. 103(a) as being unpatentable under Davidson et al., USPN: 6,083,276(hereinafter Davidson).

As per claim 1, Davidson discloses a computer implemented method for producing a data domain for a data structure element of an executable computer program, the method comprising:

receiving domain configuration information corresponding to the data structure element (e.g. Fig. 3A, 3B, 3C);

receiving a reflection of the computer program (e.g. bean a property Table 1; *BeanInfo* - Fig. 5; *standard reflection functionality built into Java … runtime inspection* – col. 26, lines 50-60; *accessor ... methods …* value of a property – col. 25, lines 1-8) *during a first execution* of the program (Note: first execution given no weight – see USC 112 Rejection); and

producing the data domain (e.g. Fig. 4B, 4C – Note: mapping corresponding descriptor or attribute for a method or class reads on data domain combining configuration information with reflection of beans components – see col. 25, line 12 to col 26, line 9) based on the domain configuration information and the program reflection,

the data domain representing a limited set of data values (e.g. col. 26, lines 18-29, 38-48) to be used as input during a subsequent second execution of the computer program (e.g. Execute 436 – Fig. 4C – Note: exception error reads on validating or verifying on a range of value or scope of expected constructs being used as input; and whereby error is generated – as a result of on mismatch of expected parameter or method attributes against domain information **reads on** during execution of program to be tested, i.e. *second execution* given no weight as per the USC 112 Rejection) for testing execution of the executable computer program;

targeting testing during the second execution (Note: second execution given no weight – see USC 112 Rejection) of the computer program to use only values for the data structure element that fall within the data structure (e.g. *expected parameters* – col. 25, lines 8-32; *canonical names ... scope path named ... more attributes ... remain to be mapped* – col. 25, line 34 to col. 26, line 9 – Note: verifying correctness of parameters, basic types, canonical objects in light of their expected number or instances being enclosed within some Descriptor scope reads on testing computer program so that data structure domain values fall under that structure – see *propertyDescriptor, parameters ... write method* - Fig. 4C) and

determining whether the executable computer program behaves correctly when executing using targeted values falling within the data domain as input (e.g. generate error 458 - Fig 4D – Note: error generated reads on dynamic execution and determining; wherein verifying correctness of parameters, basic types, canonical objects in light of their expected number or instances being enclosed within some Descriptor scope reads on testing computer program so that data structure domain values fall under that structure or domain info of the bean container or Property scope – e.g. <Style type=Link … value= … value=… … value= … </Style> , pg. 21

lines 40-48; col. 26, lines 18-28; or enumerating values in a array – see class[] and Object[] lines 38-48).

But Davidson does not explicitly teach *an executable program* to target efficient testing the program, the program executed in compiled executable form (Note: target efficient testing treated as mere verification testing – see Claim Objections). But Davidson discloses an execution environment (generate error 458 - Fig 4D – Note: error generated reads on dynamic execution and determining) to dynamically determine whether some expected value or range of Java elements composing a container scope for a specific method or bean container, such runtime determination being based on the domain data provided by the results from parsing XML into a structure (e.g. Fig. 3B), and the type of metadata (e.g. Fig. 4C) being received from using bean info descriptor and underlying API (e.g. *executable 'accessor' methods ... obtaining and setting the value of a property 32*0 – col. 24, line 50 to col. 25, line 7) or as a alternate API to introspect the runtime bean (e.g. col. 26, lines 55-60). Standardardized APIs thus mentioned, being y invoked when executing Sun Microsystems Java or bean code to dynamically obtain additional information about the code strongly entails data in order to help enhance the code or prevent its potential undesired use of runtime resources similar to debug or validation testing. Hence, the concept of testing a target executable program as recognized from above, such that testing would be based on metadata received from a runtime (i.e. during execution of an executable program) introspector API or *standard reflection methods* is strongly evidenced as an alternative. It would have been obvious for one skill in the art at the time the invention was made to implement Sun Microsystems API in testing a target bean code as endeavored by Davidson, so that reflection data is obtained using such runtime API (Davidson: *standard*

reflection functionality built into Java … runtime inspection – col. 26, lines 50-60) and to test such target compiled bean based on the metadata constructed based on the introspection method to yield sufficient metadata input to the determination step as set forth in Davidson's executable code testing set forth above.

As per claim 3, refer to claim 1 for a listing of data structure elements of the computer program as reflection of computer program (e.g. Fig. 2).

As per claim 4, Davidson discloses annotating code of the computer program (e.g. comment 302 – Figs. 3; e.g. col. 29-36 Appendix A for ADML for comments between special tags <!-- ... -->) with the domain configuration information.

As per claim 5, Davidson discloses computer readable media having computer executable instructions for compiling the code of the computer program annotated with the domain configuration information for producing the data domain (Fig. 4B, 4C cols 21-28) according to its domain configuration information.

As per claims 7-8, Davidson discloses the domain configuration information comprising one or more expressions (e.g. BML – col. 8-col. 10 – Note: tag specification *<Foo Att1 = Value 1 Att2=Value2 ... />* reads on explicit denotation of domain to be produced) for explicitly denoting the data domain to be produced corresponding in form to one that is applicable to the data structure element; wherein the expressions comprise methods and functions (e.g. parameter method Fig. 4C; METHOD, ARGUMENTS - col. 16, lines 28-42; Fig. 5; *CALL calls a method ... Attributes* - Appendix A, col. 47, bottom - Note: beans constructs being described in BML language as method and arguments reads on methods and functions) defined within the code of the computer program, which are exposed via the reflection of the computer program.

As per claim 9, Davidson discloses wherein the data structure element is a data type with one or more fields and the form of the explicitly expressed data domain is a set of values of the fields comprising the data type (e.g. TYPE – col. 16, lines 54-63).

As per claim 10, Davidson discloses wherein the data structure element is a method (re claim 9) and the form of the explicitly expressed data domain is a set of tuples of parameters (e.g. *GET FIND CONSTANT|ARRAY| ANY| ALL|NOT* – Appendix A, col. 29-30) of the method.

As per claim 11, Davidson discloses wherein the data structure element is a field or a parameter of a designated type (Table 2, pg. 19; TYPE ID - lines 55-63, col. 16) and the form of the explicitly expressed data domain is an enumeration of values (e.g. <VALUE …</VALUE> lines 55-63, col. 16; lines 28-42, col. 16) of the designated type corresponding to the field or the parameter.

As per claim 12, Davidson discloses inheriting (e.g. Fig. 3C; *children* - col. 10, lines 50-65; *Child component ...Parent component* – Fig. 4D; lines 9-29 - col. 13) the data domain to be produced from the data domain of other related data structure elements.

As per claim 13, Davidson discloses a data type comprising a plurality of sub-types and a selection of one or more of the plurality of sub-types wherein the data domain to be produced for the data type is a union of data domains of the sub-types (P tag … Table 2, col. 19; Style tag…Table 3, col. 20 – Note: paragraph and style tag with subtypes read on plurality of subtype and selection from an union of subtypes) belonging to the selection.

As per claim 14, Davidson discloses data structure element being a field or a parameter of a designated type (Fig. 5; Table 2, pg. 19; TYPE ID - lines 55-63, col. 16; cols. 17-18) and the domain configuration information comprises information indicating that the data domain to be

produced for the field or the parameter is inherited (e.g. Fig. 3C; *children* - col. 10, lines 50-65; *Child component... Parent component* – Fig. 4D; lines. 9-29 - col. 13)from the data domain of their designated type.

As per claims 15-16, Davidson discloses domain configuration information related to producing the data domain for the data structure element by applying domain generation techniques on other selected data domains; and filtering the result of the applying domain generation technique step using a predicate (steps 410, 418, Fig. 4B; Match 424, Conversion 432, More attributes 440 – Fig. 4C; step 456, Fig. 4D – Note: code to map components as called by description information with respect to parse algorithm reads on predicates for filtering data from information domain into data domain – see Java pseudo-code col. 26, 28).

As per claims 17-18, Davidson discloses data structure element is a data type with a plurality of fields (e.g. lines 30-34, 55-58 -col. 9; lines 30-43, col. 16; Table 2, col. 19) and the other data domains are data domains of the fields (re claim 1 or Fig. 4B, 4C); wherein the data structure element is a method (Table 1, col. 17-18) and the other data domains are data domains of the parameter of the method (re claim 1; see *write method 504* - col. 25).

As per claim 19, Davidson discloses a system for producing a data domain for a data structure element of an executable computer program, the system comprising a computer apparatus configured to perform actions of a domain configuration manager for

receiving domain configuration information (e.g. 3A, 3B, 3C) corresponding to the data structure element and

using a reflection of the executable computer program (e.g. bean a property Table 1; *BeanInfo* -Fig. 5; *standard reflection functionality built into Java … runtime inspection* – col.

26, lines 50-60; *accessor ... methods* … value of a property – col. 25, lines 1-8) produced *during a first execution* of the program (Note: first execution given weight as a mere developer interface – see USC 112 Rejection) to produce the data domain for the data structure element according to the domain configuration information (Fig. 4B, 4C – Note: mapping corresponding descriptor or attribute for a method or class reads on data domain combining configuration information with reflection of beans components – see col. 25, line 12 to col 26, line 9);

the data domain representing a limited set of data values (e.g. col. 26, lines 18-29, 38-48; *setting the value of a property 32*0 – col. 24, line 50 to col. 25, line 7) to be used as input for testing the executable computer program when executed (Execute 436 – Fig. 4C – Note: exception error reads on validating or verifying on a range of value or scope of expected constructs being used as input; and whereby error is generated – as a result of on mismatch of expected parameter or method attributes against domain information **reads on** during execution of program to be tested - e.g. <Style type=Link … value= … value=… … value= … </Style> , pg. 21 lines 40-48; col. 26, lines 38-48; enumerating values in a array – see class[] and Object[] lines 38-48); and

controlling testing *during a second execution* (Note: 'during a second execution' given no weight – see USC 112 Rejection) of the executable computer program to use only values for the data structure element that fall within the data structure (e.g. *expected parameters* – col. 25, lines 8-32; *canonical names ... scope path named ... more attributes ... remain to be mapped* – col. 25, line 34 to col. 26, line 9 – Note: verifying correctness of parameters, basic types, canonical objects in light of their expected number or instances being enclosed within some

Descriptor scope reads on testing computer program so that data structure domain values fall under that structure – see *propertyDescriptor, parameters ... write method* - Fig. 4C).

But Davidson does not explicitly teach *an executable program* to target efficient testing the program when executed (Note: target efficient testing treated as mere verification testing), the program executed in compiled executable form. However, the above limitation has been addressed as obvious in light of Davidson's alternative of using standard reflection methods in Suns Java runtime as known as *introspector* API invoked within executing a program that has been compiled as target program as endeavored by Davidson's method.

As per claims 20-21, Davidson discloses a graphical user interface communicative with the domain configuration manager for receiving the domain configuration information and transferring (Fig. 1; col. 18-40 -col.28; Error Message – Fig 4B) the domain configuration information to the domain configuration manager; a GUI for receiving user input related to the domain configuration information (e.g. user and application-generated 'events' lines 15-40 -col. 10).

As per claim 22, Davidson discloses domain configuration manager for reading the reflection of the computer program to identify the data structure element for its domain configuration (e.g. Fig. 3B, 3C; Fig. 4B).

As per claim 23, Davidson discloses wherein the data structure element is a data type and the domain configuration manager is operable for producing the data domain for the data type according to an explicit expression indicative of the data domain of the data type (refer to rationale of claims 13-14).

As per claim 24, Davidson discloses wherein the explicit expression comprises methods and functions defined within the computer program (e.g. col. 17-18) and exposed to the domain configuration manager via the reflection of the computer program (Table 1, col. 17-18).

As per claim 25 Davidson discloses wherein the data structure element is a method and the domain configuration manager is operable for producing the data domain as a set of tuples of parameters of the method according to an explicit expression of the domain configuration information (refer to claim 10).

As per claim 26 Davidson discloses wherein the data structure element is a field or a parameter of a declared type and the data configuration manager is operable for producing the data domain according to an explicit expression whose result is an enumeration of values of the declared type (refer to claim 11).

As per claim 27 Davidson discloses wherein the data structure element is a data type with sub-types and the data configuration manager is operable for producing the data domain for the data type through inheritance as a union of data domains of its selected sub-types (refer to claim 13).

As per claim 28 Davidson discloses wherein the data structure element is a data type and the data configuration manager is operable for producing the data domain for the data type by applying a domain generation technique to one or more fields of the data type (refer to claim 15).

As per claim 29, Davidson discloses wherein the domain generation technique is a Cartesian product (e.g. *mapper 122, 124* – Fig. 1; *map 418* – Fig. 4b; *Match 424*, Fig. 4C; *BeanInfo Mapper* - Fig. 5 - Note: a Cartesian or Cross product between 2 sets A and B is defined

as the set of all pairs $\{a, b\}$ such that a is an element of the set A and b is an element of the set B; i.e. mapping an element of A with a corresponding element of B) of the selected fields of the data type and the domain configuration manager is further operable for applying a constraint specified in the domain configuration information to the Cartesian product for producing the data domain for the data type (refer to claim 16 for filtering constraint using predicate).

As per claim 30 Davidson discloses wherein the data structure element is a field or a parameter of a declared type and the domain configuration manager is operable for producing the data domain for the field or the parameter as the data domain of their respective declared type through inheritance (refer to claim 14).

As per claim 31, Davidson discloses wherein the data structure element is a method (re claim 24-25) and the domain configuration manager is operable for producing the data domain for the method by applying a domain generation technique to the parameters of the method (re claim 15).

As per claim 32, Davidson discloses wherein the domain configuration technique is a Cartesian product (re claim 29) of the data domains of the parameters (re claims 26 and 30) of the method and the data configuration manager is further operable for applying a constraint (refer to claim 16) for filtering constraint using predicate) to the result of the Cartesian product for producing the data domain for the data type.

As per claim 33, Davidson discloses a computer-based system for producing data domains of data structure elements of a computer program, the system comprising a computer apparatus; and means for:

receiving, on the computer apparatus, domain configuration information corresponding to the data structure elements;

reading, on the computer apparatus, a reflection of the executable computer program *during a first execution* of the program (refer to claim 1 and USC 112 1st Rejection); and

processing, on the computer apparatus, the domain configuration information and the reflection to produce and output the data domains (e.g. Fig. 1, 3; Fig .5 – Note: attributes and their expected instances within Descriptor scope reads on data domain being **outputted** for verification via mapping) corresponding to the data structure elements; the data domain representing a limited set of data values (e.g. col. 26, lines 18-29, 38-48; *setting the value of a property 32*0 – col. 24, line 50 to col. 25, line 7) to be used as input during *a second execution* of the program (refer to claim 1 and USC 112 1st Rejection) for testing the computer program when executed (Execute 436 – Fig. 4C – Note: exception error reads on validating or verifying on a range of value or scope of expected constructs being used as input; and whereby error is generated – as a result of on mismatch of expected parameter or method attributes against domain information **reads on** during execution of program to be tested)

for limiting testing during the second execution (refer to USC 112 Rejection) of the executable computer program to use only values for the data structure element that fall within the data structure (refer to claim 1);

all of which limitations having been addressed in claim 1.

But Davidson does not explicitly teach *an executable program* to target efficient testing the program when executed, the program executed in compiled executable form. However, the above limitation has been addressed in claim 1.

Response to Arguments

7. Applicant's arguments filed 10/3/08 have been fully considered but they are not persuasive. Following are the Examiner's observation in regard thereto.

USC § 103 Rejection:

(A) Applicants have submitted that Davidson does not teach or suggest 'receiving a reflection … during a first execution' …. 'targeting testing during a second execution… behaves correctly during the second execution' (Appl. Rmrks pg. 9 to pg. 10, top). The language created by 'first execution' and 'second execution' is part of the Amendments to the claims. The Office Action has taken under consideration the impact of the changes to the claimed subject matter and has effectuated a corresponding rejection; such that that current Office written response has been necessitated specifically to address such newly added language; that is, the argument being deemed moot in view of the current Rejection.

(B) Applicants have submitted that the Office Action relied on the USC 112 lack of support rejection to maintain the rejection as in the last Office Action's 'Response to Arguments'; and that Davidson does not teach generate a error while the program is executing, but rather a validation API prior to code execution (Appl. Rmrks pg. 11, top and middle). There is no sufficient pointing to any particular claim language submitted herein that was not given weight in the previous Office action (emphasis added) for a proper response to be possible against the above allegation; i.e. allegation against the Office not giving proper patentable weight when it is due. The claim language as set forth in the current submission has been interpreted in addressed with new grounds of USC 112 Rejection, and this is rendering the argument largely misplaced. Testing of a program has been given weight and no clear teaching in the claimed subject matter

enforces any weight regarding 'when executed' in a way to justify how Davidson's cited parts would have been improper. The argument is deemed insufficient notably in view of the Amendments for which another form of rejection has been herein necessitated.

(C) Applicants rely on the scenario based on first and second execution regarding 'reflection' data and subsequent target testing to attempt to overcome the Rejection under 103 for claims 19, and 33 (Appl. Rmrks, pg 11-12). These arguments are largely moot because of the reasons as set forth above.

The claims as submitted and interpreted stand rejected as set forth in the Office Action.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (571) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571)272-3759.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence - please consult Examiner before using) or 571-273-8300 (for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan A Vu/

Primary Examiner, Art Unit 2193

December 04, 2008